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Attorneys for Defendants  
AMERICAN HOME MORTGAGE SERVICING, INC.; POWER DEFAULT  
SERVICES, INC.; MORTGAGE ELECTRONICS REGISTRATION SERVICES,  
INC.; and U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR  
ADJUSTABLE RATE MORTGAGES TRUST 2007-1, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2007-1 (erroneously sued as U.S. Bank,  
National Association and MASTR Adjustable Rate Mortgages Trust 2007-1,  
Mortgage Pass-Through Certificates, Series 2007-1)

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ROBERT M. SWEENEY,  
  
Plaintiff,

v.

MASTR ADJUSTABLE RATE  
MORTGAGES TRUST 2007-1  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-1 et al.,  
  
Defendants.

CASE NO. CV 11-5098-GW(JEMx)

Hon. George H. Wu

**ORDER DISMISSING  
PLAINTIFF'S SECOND  
AMENDED COMPLAINT WITH  
PREJUDICE**

Date: January 12, 2012

Time: 8:30 a.m.

Place: Courtroom 10

On October 24, 2011, the Court granted defendants American Home Mortgage Servicing, Inc., Power Default Services, Inc., U.S. Bank National Association, as Trustee for Mastr Adjustable Rate Mortgages Trust 2007-1, Mortgage Pass-Through Certificates, Series 2007-1 (erroneously sued as U.S. Bank, National Association and MASTR Adjustable Rate Mortgages Trust 2007-1, Mortgage Pass-Through Certificates, Series 2007-1), and Mortgage Electronics Registration Services, Inc.’s (collectively, “Defendants”) Motion to Dismiss each cause of action asserted in Plaintiff Robert M. Sweeney’s (“Plaintiff”) First Amended Complaint. The Court, however, permitted Plaintiff to file an amended complaint by November 14, 2011. The Court instructed the parties that Defendants were not required to respond to the amended complaint, but instead ordered that the Court would review the amended Complaint and the parties would appear at a hearing on November 21, 2011 to determine which, if any, alleged causes of action Defendants would be required to file a response to in the amended complaint.

Plaintiff filed a Second Amended Complaint (“SAC”) asserting five causes of action styled as:

- (1) “To Set Aside Foreclosure for Forgery”;
- (2) “Violation of 15 USC § 1641”;
- (3) “Damages and Punitive Damages for Foreclosure based on Forgery”;
- (4) “Declaratory Relief”; and,
- (5) “Violation of the Federal Fair Debt Collection Practice Act”.

The Court reviewed the SAC and, at the November 21, 2011 hearing, instructed Defendants to respond only to Plaintiff’s allegations in the SAC that the Substitution of Trustee form identified in the SAC was an alleged “forgery.” As to all other claims and allegations in the SAC, the Court adopted its tentative ruling, as its final ruling.

1 Defendants filed their response relating to the issue of “forgery” in the  
2 SAC on December 12, 2011. Plaintiff filed his Opposition papers on December  
3 23, 2011. Defendants filed their reply papers on January 6, 2012.

4 The Court held a hearing on the issue of Plaintiff’s claims relating to  
5 “forgery” in the SAC on January 12, 2011. After oral argument, the Court  
6 adopted its tentative ruling, as its final ruling.

7 The Court, therefore, dismisses the SAC in its entirety with prejudice on  
8 the grounds that the SAC fails to state a claim.

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10 **IT IS SO ORDERED.**

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13 Dated: January 18, 2012



14 **Honorable George H. Wu**  
15 United States District Judge  
16 Central District of California  
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